



Ned Thompson

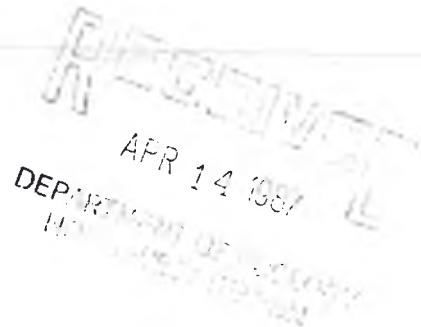
Ken Eikenberry

ATTORNEY GENERAL OF WASHINGTON

TEMPLE OF JUSTICE • OLYMPIA, WA 98504-0521 • PHONE 206/753-6200

April 10, 1987

Michele Straube, Esq.
Preston, Thorgrimson, Ellis & Holman
420 L Street
Suite 404
Anchorage, Alaska 99508



Re: Greenacres Landfill
Spokane County - Hazardous Waste Cleanup

Dear Ms. Straube:

This will confirm our telephone conversation of April 6, 1987. You advised me that you have been retained by Spokane County as legal counsel for the purpose of negotiating an agreement with the State of Washington in the above-subject cleanup.

We discussed several matters to which I'd like to respond:

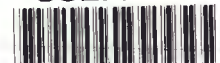
1. Meeting

We discussed meeting in Spokane initially and meeting in Seattle the next time. You later confirmed with my secretary a date and time of April 29, 1987 at 10 a.m. It is my understanding that beside yourself, Spokane will have present their Public Works Director, County Prosecutor, Utilities Director, and County Administrator, as well as at least one County Commissioner.

2. Technical Consultant

You advised me that Spokane County has not yet hired a technical consultant, and that you did not feel you could have a technical person at the meeting. I responded that I thought the county had hired John Spencer of SRH Associates, Inc. You stated that the county had not done so. Frankly, I'm confused.

USEPA SF



1624827

OFFICE OF THE ATTORNEY GENERAL

Michele Straube

2

April 10, 1987

By letter dated March 17, 1987, the Board of County Commissioners advised Mr. William Wright, Project Engineer for the Washington State Department of Ecology, that the county intended to use the consulting services of SRH Associates, Inc., and that as soon as their consultant had reviewed a proposed work plan, the county would be able to meet with the state and discuss the scope of work.

In response to that letter and in response to a phone call from John Spencer, President of SRH Associates, Mr. Wright forwarded to John Spencer a copy of the state's Work Plan for the Remedial Investigation at the Greenacres Landfill. I enclose copies of this correspondence.

It certainly is the county's decision who they choose to retain as a technical consultant but it is the state's position that with a copy of the Work Plan in advance, you should be able to have a technical person at this meeting. Accordingly, I enclose another copy of the Work Plan for Remedial Investigation. Please discuss this with the county and let me know whether you have a technical consultant, and if so, who that person is and whether they will be at the meeting.

I caution you that it is the state's position that time is of the essence and that we will negotiate for no longer than a 60-day period.

3. Requested Documents

You requested copies of several documents including the NPL Nomination, Cooperative Agreement with EPA, Site Assessment and Scoring, and T.A.T. (Technical Assessment Team) Report. You also requested authority from the state to contact Tech Law regarding a report that they did for EPA.

EPA did the Site Assessment, Scoring and NPL Nomination. EPA considers these documents predecisional and confidential. These are not considered public documents. You will therefore have to get EPA approval in order to obtain them.

The state has a multi-site cooperative agreement with EPA. You are welcome to review this very voluminous document at our office in Lacey, Washington, at a date and time to be determined.

OFFICE OF THE ATTORNEY GENERAL

Michele Straube

3

April 10, 1987

There is no T.A.T. report per se. We do have a report proposed by Ecology and Environment under EPA contract, which has been approved for public release, that discusses the Phase I of a two-phased investigation at the Greenacres site. Please let me know if you would like me to forward this document to you.

Regarding the authority to contact Tech Law, I'm afraid that you will have to contact EPA directly. Tech Law was not, and is not, under contract to the state. The state has no authority to give permission to you on behalf of EPA to contact Tech Law. It is my understanding that you have the Tech Law report, which is all that the state has also.

4. Designated Project Manager

The state's designated project manager is William Wright. We ask that the county please designate a project manager or counterpart to Mr. Wright. That person should also be at the meeting.

5. Responsibility

As we discussed, I am a little concerned with Spokane County's position that they will assume their "proportionate responsibility" and do their "own RI/FS." Liability under CERCLA is joint and several. If Spokane County assumes liability for the cleanup, they can certainly seek contribution from other PRP's. If several PRP's get together and wish to negotiate together with the state, then the state will assist in helping to effect a non-binding allocation of responsibility. The state is not obligated to, nor will they, apportion liability nor actively seek other PRP's participation in this negotiation for a cleanup consent order.

I will try to set a proposed agenda and forward that and a draft copy of proposed consent order to you by April 15, 1987. Please keep in mind that this draft is intended as a draft only.

I would appreciate it if you would advise me immediately whether any other PRP's will participate in our negotiations and will be present at our meeting on the 29th. I have received a letter from Wells McCurdy, trustee, and will send you a copy of my response. It is the state's position that all negotiations with PRP's

OFFICE OF THE ATTORNEY GENERAL

Michele Straube

4

April 10, 1987

willing to participate are confidential. In this case, however, you may have to get ~~business~~ agreements. Please let me know the result of ~~your~~ meeting with Wells McCurdy.

I expect to be in the office most of next week. Please call me at (206) 459-6155.

Sincerely,

V. Lee Okarma Rees

V. LEE OKARMA REES
Assistant Attorney General

VLOR:bj

cc: Bill Wright
Hazardous Waste Cleanup